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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 003114

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SUBJECT: VICE PRESIDENT DECLARES HIS PRESIDENTIAL INTENTIONS, BUT NOT HIS PARTY

REF: A. ABUJA 3005

1B. 2415

Classified By: Political Counselor Russell Hanks for reasons 1.4 (b) and (d).

11. (U) SUMMARY: After more than a year of uncertainty, Vice President Atiku Abubakar declared himself a candidate for president, saying that he would follow the policies of President Olusegun Obasanajo and continue economic reforms and make the fight against corruption a priority. With a crowd of notable Action Congress (AC) opposition figures prominent in attendance, Vice President Atiku laid out the general themes for campaign. He did not, however, reveal much about his strategy or his intended party affiliation as he campaigns to become Nigeria's next president.

DRAMA PRECEDES, FOLLOWS ATIKU ANNOUNCEMENT

12. (U) After three years of an increasingly strained relationship between the President and the Vice President, Atiku's announcement on November 25 was a long awaited declaration that he is still active and in the hunt for the Presidency. His declaration was delayed for more than a year because of political uncertainty starting with efforts to extend the President Obasanjo's tenure. In addition, as Atiku's political disfavor became public, he had problems getting re-registered in the PDP, was indicted by a special panel led by the Attorney General, and finally, he was suspended by the ruling People's Democratic Party (PDP) in September, 2006. These events had succeeded in derailing, if at least temporarily, the momentum for his candidacy.

13. (C) Atiku outlined a platform in which he promised to continue the economic reforms of President Obasanjo, prioritize the problems in the Niger Delta, focus on infrastructure development, expand education opportunities, and continue the fight against corruption. The announcement sets the stage for more maneuvering in advance of the PDP convention in mid-December.

14. (C) With the PDP still the party that controls the electoral process in Nigeria, Atiku's status in the PDP matters, both to him and his rivals and competitors. As just one indicator of the drama surrounding Atiku position in the party and the upcoming convention, Atiku made headlines prior to his announcement when he moved out of his official residence saying that he was concerned about his security. Although the GON responded and said his concerns were dishonest, Atiku seemed to be shaken in a subsequent meeting with the Ambassador (ref A). "Sometimes you measure success not by what was accomplished, but by what obstacles were overcome," Dr. Usman Bugaje, a close advisor of the vice president told Poloff.

¶ 15. (C) In addition Atiku is likely to continue to keep his opponents guessing about his game plan. Bugaje told Poloff that Atiku will keep his options open, but that he was likely to change his party affiliation to the Action Congress (AC), after sitting out the PDP convention. He would count on the courts to confirm his eligibility, Bugaje said.

LEGAL STATUS UNCERTAIN

¶ 16. (U) Despite Atiku's affirmative statement about his vision and intentions, the legal status of his candidacy is uncertain and his intended party affiliation a closely guarded secret. Atiku, according the PDP party hierarchy, is ineligible for the party's ticket, because he was indicted (ref B). As a result, the party has suspended him, thus technically making him ineligible for the party convention. Atiku has filed a court challenge to the indictment, but the case is still pending. On December 2, the Abuja Court of Appeal rejected a request from the PDP to stop the case from going forward and a decision is anticipated on December 8.

¶ 17. (U) The refusal of the Appeal Court to stop the process appears to have provided the Vice President some legal momentum. In another related case, a Lagos court ruled that the administrative panel responsible for the indictment of Otumba Fasawe, along with the Vice President, was improperly constituted. It concluded that the Economic and Financial Crimes Commission did not have the power to submit its report to the President, and consequently, the President did not have the power to receive the report as *prima facie* evidence to enact a panel. Although technically the ruling was in answer to the Vice President's suit, his camp claimed

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victory. The President's spokesman, on the other hand, was widely quoted in the press as saying that the case had no relevance to the Vice President, and that he would have to win his own case to be eligible.

¶ 18. (C) Bugaje, said that the ruling is clear evidence that the case against the Vice President lacks merit and undercuts the President's argument that the ruling voiding Fasawe's indictment is irrelevant. The Vice President's strategy is to continue to use the courts and hope for a favorable outcome. In the meantime, the Vice President will file additional briefs, using the Lagos court decision to bolster his original submission, Bugaje said.

CAMPBELL